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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,954	01/21/2005	John G Lew	CSAZ 2 00193	5217
27885	7590	11/20/2006	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			RASHID, MAHBUBUR	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/521,954

Applicant(s)

LEW ET AL.

Examiner

Mahbubur Rashid

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 45, 13, 14, 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-12 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/06/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicants elect species A (Fig. 8 and 9) in the reply filed on 10/27/2006 is acknowledged. Claims 3, 12, and 17 are specific to the elected species, while claims 4, 5, 13, 14, and 18 are specific to the non-elected Species B (Fig. 6 and 7). The traversal is on the ground(s) that search in examination of all species herein could be made without burden. This is not found persuasive because species A is one-piece member where species B is two-piece member, thereby requiring at least a unique text search.

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

2. An information disclosure statement (IDS) was submitted on 05/12/2005. Accordingly, the examiner has considered the information disclosure statement (see attached 1449).

Specification

3. The disclosure is objected to because of the following informalities: on page 5, line 20, element 100 is not shown in the drawing. Appropriate correction is required.

Claim Rejections - 35 USC § 102

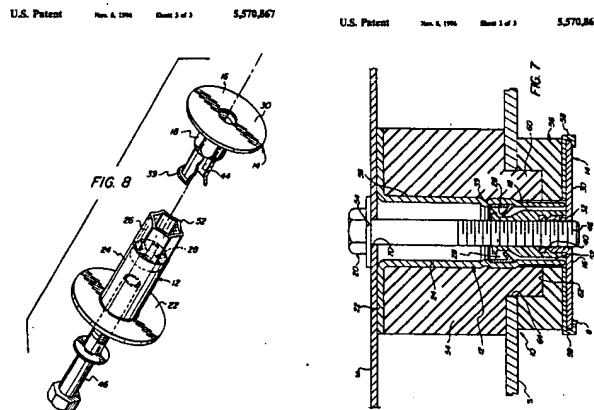
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.


5. **Claims 1-3, 6-12, and 15-17** are rejected under 35 U.S.C. 102(b) as being anticipated by Norkus (US – 5,570,867).



6. Regarding **[claim 1]**, Norkus discloses an isolator assembly (see fig. 8) comprising: an elastomeric member (see fig.7, element 54) that couples an associated frame (see col. 1, lines 5-8) to an associated body (see col. 1, lines 5-8) of an associated vehicle (see col. 1, lines 5-8); a fastener assembly (see fig.7, element 20) securing the elastomeric member (see fig.7, element 54) to one of the associated vehicle frame (see col. 1, lines 5-8) and body (see col. 1, lines 5-8); and means (see col. 3, lines 20-25) for allowing the fastener assembly (see fig.7, element 20) to break away (see col. 1, lines 40-44; col. 3, lines 38-48) in at least one of fore and aft directions extending along and substantially perpendicular to a length (see fig. 7) of the fastener assembly (see fig.7, element 20); **[claim 2]** the means (see col. 3, lines 20-25) for allowing the fastener assembly (see fig.7, element 20) to break away (see col. 1, lines

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40-44; col. 3, lines 38-48) in the fore and aft directions includes an insert (see fig. 7, element 18; also see col. 3, lines 2-5) received in the elastomeric member (see fig. 7, element 54); **[claim 3]** the insert (see fig. 7, element 18; also see col. 3, lines 2-5) is a generally hollow sleeve (see fig. 8, elements 18 and 44) that has a variable cross-section (see col. 4, lines 40-47); **[claim 6]** the insert (see fig. 7, element 18; also see col. 3, lines 2-5) has a cross-section (see col. 4, lines 40-47) that varies about its perimeter and is substantially constant along its length (see fig. 7); **[claim 7]** a retainer (see fig. 8, element 28) that operatively engages one end of the insert (see fig. 7, element 18; also see col. 3, lines 2-5), the retainer (see fig. 8, element 28) including an irregular opening (see fig. 8) that allows the isolator assembly (see fig. 8) to separate generally along a longitudinal axis (see fig. 8) of the fastener assembly (see fig. 7, element 20); **[claim 8]** a retainer (see fig. 8, element 28) member disposed on one side of the associated body opposite from the elastomeric member (see fig. 7, element 54) for securing the fastener assembly (see fig. 7, element 20) to the associated body; **[claim 9]** the retainer (see fig. 8, element 28) opening includes small and large diameter portions spaced along the irregular opening (see fig. 8, element 28); **[claim 10]** a second elastomeric member (see fig. 7, element 56; also see col. 4, line 31) interposed between the associated body (see col. 1, lines 5-8) and the associated frame (see col. 1, lines 5-8);



Narkus discloses

Regarding **[claim 11]** ^A a cradle mount assembly (see fig. 8) interconnecting an associated frame (see col. 1, lines 5-8) and an associated body (see col. 1, lines 5-8) of a vehicle (see col. 1, lines 5-8), the cradle mount assembly (see fig. 8) comprising: a vibration absorbing member (see fig. 8, element 14) that couples an associated frame

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(see col. 1, lines 5-8) to an associated body (see col. 1, lines 5-8) of an associated vehicle (see col. 1, lines 5-8); an elongated fastener assembly (see fig. 7, element 20) securing the vibration absorbing member (see fig. 8, element 14) to one of the associated vehicle (see col. 1, lines 5-8) frame and body (see col. 1, lines 5-8); an insert received in the vibration absorbing member (see fig. 8, element 14) and configured to break away (see col. 1, lines 40-44; col. 3, lines 38-48) in at least one of fore and aft directions extending along and substantially perpendicular to the length (see figs. 7 and 8) of the fastener assembly (see fig. 7, element 20); and a retainer (see fig. 8, element 28) that operatively engages one end of the insert (see fig. 7, element 18; also see col. 3, lines 2-5), the retainer (see fig. 8, element 28) including an irregular opening (see fig. 8, element 28) that allows the isolator assembly (see fig. 8) to separate generally along a longitudinal axis of the fastener assembly (see fig. 7, element 20); **[claim 12]** the insert (see fig. 7, element 18; also see col. 3, lines 2-5) is a generally hollow sleeve (see fig. 8, elements 18 and 44) that has a variable cross-section (see fig. 8, elements 18 and 44); **[claim 15]** the insert (see fig. 7, element 18; also see col. 3, lines 2-5) has a cross-section that varies (see col. 4, lines 40-47) about its perimeter and is substantially constant along its length (see figs. 7 and 8).

Regarding **[claim 16]**^{Notus discloses} an elastomeric member (see fig. 7, element 54) that couples an associated frame (see col. 1, lines 5-8) to an associated body (see col. 1, lines 5-8) of an associated vehicle (see col. 1, lines 5-8); a fastener assembly (see fig. 7, element 20) securing the elastomeric member (see fig. 7, element 54) to one of the associated vehicle frame (see col. 1, lines 5-8) and body (see col. 1, lines 5-8); and an

insert (*see fig. 7, element 18; also see col. 3, lines 2-5*) received in the elastomeric member (*see fig. 7, element 54*) allowing the fastener assembly (*see fig. 7, element 20*) to break away (*see col. 1, lines 40-44; col. 3, lines 38-48*) in at least one of fore and aft directions extending along and substantially perpendicular to a length (*see figs. 7 and 8*) of the fastener assembly (*see fig. 7, element 20*); **[claim 17]** the insert (*see fig. 7, element 18; also see col. 3, lines 2-5*) is a generally hollow sleeve (*see fig. 8, elements 18 and 44*) that has a variable cross-section (*see fig. 8, elements 18 and 44*).

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Landry (US 6,523,817) discloses body mounts utilized in mounting a vehicle body to a vehicle frame or chassis to assist in eliminating the transfer of vibrations from the frame to the vehicle body (*see figs. 1, 2, 3, and 4*); Liang (US 5,771,990) discloses shock absorbing foot, mounting plate, a receptacle threaded into the top screw hole, support member, and the periphery of the top open chamber (*see fig. 1*); Decanio (US 7,073,624) discloses an isolation system to prevent vibration, four isolation openings, recessed opening, first and second end cups, a pin for fastening the isolation system (*see fig. 4*).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahbubur Rashid whose telephone number is (571) 272-7218. The examiner can normally be reached on M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James S.

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McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571- 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JAMES MCCLELLAN
SUPERVISORY PATENT EXAMINER
